

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

E<sup>3</sup> BIOFUELS, LLC,  
Plaintiff,

v.

BIOTHANE CORPORATION and  
PERENNIAL ENERGY, INC.,  
Defendants.

Case No. 1:12-mc-76

Spiegel, J.  
Litkovitz, M.J.

**ORDER**

This matter is before the Court following a telephonic status conference held on May 8, 2013, regarding information subpoenaed by petitioner Perennial Energy, Inc. (PEI) from non-party Katzen International, Inc. (Katzen).

Counsel for PEI advised the Court that it has filed a motion in the related Nebraska matter, *E<sup>3</sup> Biofuels, LLC v. Biothane, LLC and Perennial Energy, Inc.*, No. 8:11cv44 (D. Neb. 2011), seeking to include cross-claims against Katzen. It was agreed that the parties will hold off on any further action regarding the instant subpoena until the Nebraska court enters a ruling on PEI's motion. PEI is to advise the Court upon entry of a ruling on the motion.

**IT IS SO ORDERED.**

Date: 5/8/13

  
Karen L. Litkovitz  
United States Magistrate Judge